THE HONOURABLE SRI JUSTICE GODA RAGHURAM

W.P.NO.2281 OF 2006

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BETWEEN

Gurram Subba Rao son of Ramulu

..petitioner

vs.

The Government of A.P. rep. By Principal secretary, Irrigation and Command Area Development, Secretariat, Hyderabad and two others.

….Respondents.

THE HONOURABLE SRI JUSTICE GODA RAGHURAM

W.P.NO.2281 OF 2006

ORAL ORDER

By the notification dated 03-02-2006 alleged to have been affixed on the notice board on 04-02-2006, the election schedule for the Water Users Association of Enduluru Minor Irrigation Tank was notified. Earlier on 02-02-2006 it is alleged, a voters list was published of the Water Users' Association. It is also alleged by the petitioner, a member of the Water Users' Association whose name finds mention in the voters list published on 02-02-2006 that yet another voters list has been prepared on 23-01-2006 including some additions of about 80 ineligible members and illegal deletion of 105 names from the voters list earlier published on 02-02-2006. On the basis of this subsequent "voters list" prepared on 23-01-2006 the election is scheduled to be conducted this day.

The petitioner's compliant is that the entire schedule and procedure for conduct of the elections is in transgression of the provisions of the A.P. Farmers' Management of Irrigation Systems (Conduct of Election Rules), 2003 and in particular in violation of Rule.9 of the A.P. Farmers' Management of Irrigation

Systems (Delineation & Formation of Water Users" Association) Rules,2003.

As at the time of the pronouncement of this Judgment, the election process is on and has commenced. The petitioner has available a remedy by way of an election petition under Rule.148 of the A.P. Farmers' Management of Irrigation Systems (Delineation & Formation of Water Users" Association) Rules,2003 whereat he may challenge the election *inter alia* on the ground that the result of the election insofar as it concerns the returning candidate has been materially affected by any non-compliance with the provisions of the Act or any Rules or orders made under the Act.

In view of the availability of an alternative remedy, the petitioner's grievance as to the illegalities in the publishing of the voters list and reliance on an the illegal voters list in the matter of election to the Water Users Association of Enduluru Minor Irrigation Tank, ought not to be considered in this writ petition.

The writ petition is accordingly dismissed. The petitioner is however at liberty to pursue the appropriate remedy by way of an election petition. In the circumstances, there shall be no order as to costs.

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GODA RAGHURAM,J

7TH FEBRUARY 2006

*TSNR